

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, August 19, 2019**  
**Council Chambers, Crested Butte Town Hall**

Mayor Schmidt called the meeting to order at 7:03PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Paul Merck

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Finance Director Rob Zillioux, Parks and Recreation Director Janna Hansen, and Community Development Director Michael Yerman (for part of the meeting)

Schmidt mentioned there were two topics covered during the work session, which he briefly explained.

**APPROVAL OF AGENDA**

Merck moved and Haver seconded a motion to approve the agenda as presented. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

- 1) August 6, 2019 Regular Town Council Meeting Minutes.
- 2) Resolution No. 15, Series 2019 - A Resolution of the Crested Butte Town Council Approving the Lease Agreement with the Center for the Arts for the Film Festival's use of 620 Second Street, AKA Big Mine Warming House.
- 3) Resolution No. 16, Series 2019 - A Resolution of the Crested Butte Town Council Authorizing the Grant of a Revocable License to GIP Epsilon LLC to Encroach Into the Right-Of-Way Adjacent to Third Street, the North Side of the Big Mine Ice Arena Parking Lot and Lot 28, Block 40, Town of Crested Butte.
- 4) Approval of Letter of Interest for DOLA Renewable Energy Challenge Grant.

Merck moved and Haver seconded a motion to approve the Consent Agenda. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**PUBLIC COMMENT**

Nan Lumb - 20 Vista Court

- She commented on the library's proposal for a new lease and the sale of the building.
- She stated they should negotiate a new lease, but she opposed the sale of the building.
- She listed reasons she believed the sale would be unwise.
- She recalled history related to the building.
- The building was a true community project.
- The Town, not Gunnison, should own the building.

David Leinsdorf - 3 Treasury Hill Road

- He agreed with what Lumb said, especially in light of the fact the last couple of years, down-valley had been at war with up-valley. There was no reason to trust Gunnison County to do what Crested Butte wanted.
- Implored the Council to retain the asset and not sell it.

### **STAFF UPDATES**

- Schmidt referred to the report from MacDonald in the packet.
- MacDonald updated that Gunnison County was involved in a dispute regarding the Green Lake access trail. The County asked Town for a resolution of support for their efforts to keep public access. The resolution could be considered on the next agenda. No one on the Council voiced disagreement.
- The subcommittee for the late night town taxi met today. Zillioux stated the meeting was productive. He listed attendees, including a person from Telluride Express. The group would come forward with proposals. He reviewed discussion points from the meeting. Mitchell added concerns had by Mountain Express.
- Schmidt questioned the number of petitions that had been pulled for the election.

### **PUBLIC HEARING**

**1) Ordinance No. 28, Series 2019 - An Ordinance of the Crested Butte Town Council Approving: (1) the Assignment of the Town's Conservation Easement in Kikel Parcel A to Crested Butte Land Trust, (2) the Termination of the Town's Covenant to Limit Development on Kikel Parcel A, and 3) Granting New Conservation Easement to Crested Butte Land Trust in Exchange for the Conveyance of Kikel Parcel A from Crested Butte Land Trust to the Town of Crested Butte.**

Schmidt read the title of the ordinance. Stanford confirmed proper public notice had been given. Yerman identified the change from first reading. He encouraged the Council to pass the ordinance.

Executive Director of the Land Trust, Noel Durant, reviewed their process. He stated they were lining up for closing and were grateful for the Town's partnership.

Bert Phillips - 613 Nicholson Lake Road in the Alpine Subdivision

- Pine beetles were discovered in the area.

- The swap seemed like as good as an idea as the Budweiser event coming to town.
- He asked what would happen at the outpost and whether they would have the right to fine people for mistreating the backcountry. Schmidt said they would not. Phillips asked why it was a good idea. Schmidt responded. He asked whether there would be a gate or mandatory stopping point. Schmidt said there would be neither. Dujardin clarified that it would be a stewardship cabin, which was way down the road.
- He was skeptical of any kind of deal the Land Trust was promoting. Durant responded to Phillips' point on pine beetles.

Schmidt closed the public hearing. There was no further Council discussion.

Mitchell moved and Bradley seconded a motion to approve Ordinance No. 28, Series 2019. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **OLD BUSINESS**

#### **1) Discussion on The Corner at Brush Creek.**

Schmidt referred to the agenda for the joint meeting with Mt. Crested Butte sent by MacDonald. MacDonald outlined the topics from the agenda. She said all four of the MOA parties would be at the meeting. Dujardin would write a statement since he could not attend the meeting. He suggested an additional discussion point for the agenda regarding the needs assessment.

David Leinsdorf

- He recalled that Green counseled the Council that when a decision by the Council was made, it was important for all members of the Council to get behind and support the policy of the Council. He urged the Council to take her advice to heart.

### **NEW BUSINESS**

#### **1) Review of the 2019 School District IGA.**

MacDonald told the Council they had been working since last winter on the IGA. She explained they decided upon a new IGA, rather than amending the previous one. There was not a final, final version of the IGA, but she wanted to bring it to the Council.

Schmidt brought up the disallowance of camping or recreational vehicles in their parking lots. MacDonald said they had already identified that question. She reported they matched the Town's current usage to be reflected in the IGA. Schmidt acknowledged the parking lot maintenance and that if no one would pay, the maintenance would not happen. Haver noticed the IGA term was reduced to ten years. Merck recognized the IGA would renew or it would be up for discussion. Dujardin questioned the term, acts of God. Schmidt hoped to see the final IGA next time.

## **2) Discussion on Amending the Affordable Housing Guidelines and Business-Owned Units.**

Yerman explained the reason for the agenda item. Responding to Magner, Yerman suggested they change the term renters to occupants. He added a clause seven from the last discussion, regarding the Grievance Committee. He told the Council they would not see the guidelines again, if Phase 2 with Bywater did not move forward, until the guidelines were amended as a whole.

Magner raised questions about the definitions, specifically Qualified Gunnison County Employer Buyers. Yerman said the Council needed to consider if they wanted larger employers to have the opportunity to buy housing. Magner thought they needed to be more clear around the vagueness that the “or” would allow. She suggested the attorneys look at the language.

Yerman identified the situation of a donor from a different state. There were many approaches he heard from non-profits. Haver thought it was smart to identify if there would be uses they were not intending. Schmidt recognized the goal was to house people that were working in the community. MacDonald summarized the discussion she heard.

Yerman reviewed the inception of the discussion. He confirmed the master deed restriction lived in perpetuity on the property. There had been safeguards put in place in the guidelines to ensure the house would be protected in the long-term. Dujardin questioned number four under Qualified Occupants, allowing the business owner to lease to another qualified renter. Yerman stated it would benefit a small business owner who had few employees. Dujardin suggested a limited timeline. Schmidt liked Dujardin’s idea. Next, the Council discussed number seven under Qualified Occupants. Yerman said businesses needed housing in order to be sustainable long-term.

Roman Kolodziej - Mt Crested Butte resident and Town of Crested Butte business owner

- He spoke from the perspective of a business owner.
- He liked the idea of selling to business owners for rentals.
- His biggest concern was the lack of a rental cap on units.
- He encouraged the Council to get the business owners to commit to safeguards to limit the rent.
- Policies could be tweaked to create clarity and equity.
- He encouraged the Town to hold a lottery for the businesses.

The discussion became focused on rent control. Bradley stated the way around it was to limit the term for non-employees to rent a unit. Kolodziej saw opportunities for abuse in not having a way to limit rent. Yerman communicated the comment he heard from the business community that more limitations caused them to be less able to fit to their business models.

Yerman clarified the master deed restriction could not be changed, but the guidelines could be amended. Yerman identified that the guidelines were adopted by resolution. He

was concerned by rent control because the guidelines could be deemed illegal, and he was concerned about micromanaging the business community. Sullivan did not recommend that rent control be incorporated in the guidelines. Dujardin agreed with Bradley's suggestion of a cap on the time a business owner could rent to someone who was not an employee. Bradley agreed with Yerman about having a good faith community goal. Yerman concurred with the two-year limitation. Kolodziej commented on the process. He was concerned. He suggested a selection process. Sullivan stated the 200% of AMI was a built-in limiter. The Council was agreeable to the two-year limitation. The Council would move forward without rent control, and they expressed trust in the business community.

### **LEGAL MATTERS**

- Sullivan reminded of the August 30<sup>th</sup> deadline for the bond on the Bywater contract.
- The Town recently closed on the sale of two affordable housing units.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

#### Will Dujardin

- He went to a Mountain Express meeting last Friday. They discussed the late night town taxi and the Whetstone project. They were looking for a CDOT grant.
- He went to a Climate Action Plan subcommittee meeting on retrofits and codes.
- A prayer flag bus had been completed. The fox bus would be coming up next.

#### Candice Bradley

- There was a Creative District meeting this morning. The new dragonfly structure would be installed on August 29<sup>th</sup>. The temporary sculptures would go in September, October, and next summer.
- There would be a soft opening of the sculpture garden.
- The Creative District was working through the transition.
- There would be an ordinance on the public art commission on September 3<sup>rd</sup>.
- There was a public arts tour posted on the website.

#### Laura Mitchell

- Attended a Mountain Express meeting. They needed to discuss what their service area was.
- Attended RTA meeting.
- She attended the town hall meeting held by CBMR. They were working with hotels in Gunnison to get a block lease for employees.

#### Chris Haver

- He learned at the RTA meeting that the pull-offs should be completed by September 20<sup>th</sup>. July ridership was up. They put out a ridership questionnaire to business owners. He reported on summer air travel. There would be extra flights

in the winter, including a Dallas flight. They were estimating 5,000 extra seats this winter.

- The Housing Authority finished with the Grievance Committee and steps moving forward. They were working on next steps for the committee.

Paul Merck

- He would have STOR on Thursday and would provide an update. Related to the CB to CB South trail, a big issue with easements was having dogs on leashes or not having them at all.
- There would be an upcoming TA meeting.

Jim Schmidt

- The Cemetery Committee met. He mentioned the white picket fence near the entrance for a baby. Several monuments were put upright. A road was installed on the east side of the cemetery.
- Met with Ian Billick of RMBL, who was concerned about Mountain Express maintaining their route. Billick was in conversations with the Town of Mt. Crested Butte, the Muellers, and the new buyer of the North Village.
- Met with the Assistant County Attorney about the Green Lake situation. They were looking for people to testify they had been using the trail for many years.
- Schmidt and MacDonald met with Tim Baker. Baker said housing seemed to be a bigger issue here than in Beaver Creek.
- The County had four units in Stallion Park that were currently affordable housing units. The County just built eight new units, and they wanted to sell the Stallion Park units. The units were currently occupied, and rent for the new units would be higher than the rent for the old units.
- Mayor Farmer wrote a letter to CDOT about trying to get on the list for future projects at the intersections at Brush Creek and Cement Creek.
- Schmidt and MacDonald would be attending CAST in Frisco.
- The Park City group would be coming. He reviewed the schedule.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Dujardin thought it was good to advocate for public access on the Green Lake trail. He hoped they could change the narrative. Schmidt said the County was concerned it would be precedent-setting.

#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

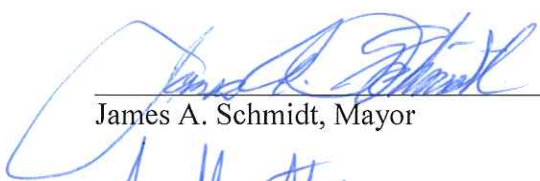
- *Tuesday*, August 20, 2019 - 6:00PM Demolition Moratorium Work Session
- *Tuesday*, August 27, 2019 - 6:00PM Joint Meeting on Brush Creek
- *Tuesday*, September 3, 2019 - 6:00PM Work Session - 7:00PM Regular Council

- Monday, September 16, 2019 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, October 7, 2019 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt mentioned the meeting about the demolition moratorium tomorrow and the candidate information session.

**ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 9:09PM.

  
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James A. Schmidt, Mayor

  
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Lynelle Stanford, Town Clerk

(SEAL)

